

Remarks

Claims 1-50 are pending in the subject application. By this Amendment, Applicants have canceled claims 2, 3, 21, 22, and 27-32, amended claims 1, 4, 9-11, 14-20, 23-26, 33-38, 44, 45, 48, and 49, and added new claims 51-65. Support for the new claims and amendments can be found throughout the subject specification and in the claims as originally filed. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 1, 4-20, 23-26, and 33-65 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

As an initial matter, Applicants gratefully acknowledge the Examiner's indication that claims 3-6, 17, 26, 36-38, and 48 are free of prior art.

Numerous claims are rejected under 35 USC §112, second paragraph, as indefinite as set forth at pages 2-5 of the outstanding Office Action. Applicants respectfully assert that the claims are definite. However, by this Amendment, Applicants have amended the claims to address the issues raised by the Examiner under these rejections and to add greater clarity to the claims. For example, claims 35-38 have been amended to refer to a trehalose storage buffer, thereby providing antecedent basis for claims 39-43. In view of the amendments presented herein, reconsideration and withdrawal of the rejections under 35 USC §112, second paragraph, is respectfully requested.

Claims 1, 7, 8, 44, and 45 are rejected under 35 USC §102(b) as anticipated by Zhang *et al.* (1995). Claims 1, 7-10, 44, 45, and 47 are rejected under 35 USC §102(b) as anticipated by Zhang *et al.* (1995) in view of Nadano *et al.* (1993) and Snitko *et al.* (1997). The Examiner asserts that the Zhang *et al.* (1995) reference teaches a method of collecting blood samples from patients and the blood is then broken up with buffer ATL which comprises SDS and Proteinase K and that the purified DNA is then subjected to PCR amplification, wherein the presence of bacterial DNA in patient's blood is detected. The Nadano *et al.* (1993) reference is cited as teaching that active DNase is present in leukocytes and erythrocytes as well as serum. The Examiner concludes that any blood sample must be inherently exposed to DNase. The Snitko *et al.* (1997) reference is cited as teaching that phospholipase A₂ is secreted from blood cells in response to inflammatory stimuli, of which bacterial infection is one.

Applicants respectfully assert that the cited references, taken alone or in combination, do not teach or suggest the claimed invention. However, by this Amendment, Applicants have amended claim 1 to incorporate the elements of dependent claims 2 and 3. The Examiner has acknowledged that claim 3 is free of the prior art. Thus, the rejections are rendered moot by these amendments. Accordingly, reconsideration and withdrawal of the rejections under 35 USC §102(b) is respectfully requested.

Claims 1, 2, 7, 9, 10, and 44-46 are rejected under 35 USC §102(b) as anticipated by Watson (1978). Claims 1, 2, 7, 9, 10-12, 16, 18, 19, 31, and 44-46 are rejected under 35 USC §103(a) as obvious over Watson (1978) in view of Dupe *et al.* (1981). Claims 1, 2, 7, 9, 10-12, 16, 18-22, 31, and 44-46 are also rejected under 35 USC §103(a) as obvious over Watson (1978) in view of Dupe *et al.* (1981) and further in view of Semple *et al.* (2000). Claims 1, 2, 7, 9, 10-13, 16, 18, 19, 27, 31, 44-46, and 50 are rejected under 35 USC §103(a) as obvious over Watson (1978) in view of Dupe *et al.* (1981) and further in view of Zierdt (1982) and in view of Mansour *et al.* (U.S. Patent No. 4,693,972). Claims 1, 7, 9, 10-16, 18, 19, 31, and 44-46 are rejected under 35 USC §103(a) as obvious over Watson (1978) in view of Dupe *et al.* (1981) and further in view of Kreilgaard *et al.* (1998). The Watson (1978) reference is cited by the Examiner as teaching a method of trapping bacteria from blood samples in a clot, digesting the clot by adding streptokinase, and culturing the bacteria for identification.

Applicants respectfully assert that the cited references, taken alone or in combination, do not teach or suggest the claimed invention. However, by this Amendment, Applicants have amended claim 1 to incorporate the elements of dependent claims 2 and 3. The Examiner has acknowledged that claim 3 is free of the prior art. Thus, the rejections are rendered moot by these amendments. Accordingly, reconsideration and withdrawal of the rejections under 35 USC §102(b) and §103(a) is respectfully requested.

Claims 1, 7, 9, 10, and 50 are rejected under 35 USC §102(b) as anticipated by Zierdt *et al.* (1977) in view of Mansour *et al.* (U.S. Patent No. 4,693,972). The Zierdt *et al.* (1977) is cited as teaching a method of purifying bacteria from blood.

Applicants respectfully assert that the cited references, taken alone or in combination, do not teach or suggest the claimed invention. However, by this Amendment, Applicants have amended claim 1 to incorporate the elements of dependent claims 2 and 3. The Examiner has acknowledged that claim 3 is free of the prior art. Thus, the rejection is rendered moot by these amendments. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §102(b) is respectfully requested.

Claims 1, 2, 7, 9, 10,-12, and 44-46 are rejected under 35 USC §103(a) as obvious over Watson (1978) in view of Smith *et al.* (1982). Claims 1, 2, 7, 9, 10, 44-46 are rejected under 35 USC §103(a) as obvious over Watson (1978) in view of Cassels *et al.* (1982). The Watson (1978) reference is cited for the teachings as discussed above. The Smith *et al.* reference is cited as teaching that plasminogen and streptokinase can be separately purified and lyophilized in individual containers for long-term storage. The Cassels *et al.* (1982) reference is cited as teaching that phosphate is a suitable medium for carrying out reactions comprising plasminogen and streptokinase.

Applicants respectfully assert that the cited references, taken alone or in combination, do not teach or suggest the claimed invention. However, by this Amendment, Applicants have amended claim 1 to incorporate the elements of dependent claims 2 and 3. The Examiner has acknowledged that claim 3 is free of the prior art. Thus, the rejections are rendered moot by these amendments. Accordingly, reconsideration and withdrawal of the rejections under 35 USC §103(a) is respectfully requested.

Claims 1, 2, 7-11, 16, 18, 19, 23-31, 33, 34, 44-46, 49, and 50 are rejected under 35 USC §103(a) as obvious over Watson (1978) in view of Zhang *et al.* (1995) in view of Dupe *et al.* (1981) in view of Zierdt *et al.* (1977) and further in view of Hallick *et al.* (1977). Claims 1, 2, 7-11, 16, 18, 19, 23-31, 33, 34, 39, 44-46, 49, and 50 are rejected under 35 USC §103(a) as obvious over Watson (1978) in view of Zhang *et al.* (1995) in view of Dupe *et al.* (1981) in view of Hallick *et al.* (1977) and in view of Zierdt *et al.* (1982). The Watson (1978) reference is cited for the teachings as discussed above. The Zhang *et al.* reference is cited by the Examiner as teaching that blood samples can be lysed using glass beads and vortexing, and then centrifuged to remove gross blood byproducts before the supernatant is decanted and processing continued with a Qiagen blood mini amp kit. The

Examiner asserts that the Hallick *et al.* (1977) reference teaches that aurintricarboxylic acid (ATA) is a general nuclease inhibitor. The Hallick *et al.* (1977) reference is also cited by the Examiner as teaching that the addition of ATA to a nuclease reaction inhibits the reaction and that it would be useful to add ATA to prevent degradation of nucleic acids during nucleic acid isolation. The Examiner asserts that the Zierdt *et al.* (1977) reference teaches that Triton X-100 is advantageously added to a blood solution in a method of purifying bacteria present in the blood, which allows one to lyse blood cells without damaging the bacteria. The Zierdt *et al.* (1982) reference is cited by the Examiner as teaching that a 10 mM sodium phosphate buffer is suitable in a method of isolating bacteria from blood and that potassium phosphate is a suitable equivalent.

Applicants respectfully assert that the cited references, taken alone or in combination, do not teach or suggest the claimed invention. However, by this Amendment, Applicants have amended claim 1 to incorporate the elements of dependent claims 2 and 3. The Examiner has acknowledged that claim 3 is free of the prior art. Thus, the rejections are rendered moot by these amendments. Accordingly, reconsideration and withdrawal of the rejections under 35 USC §103(a) is respectfully requested.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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